

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ANA VILLEGAS,

Plaintiff,

v.

Case No: 8:23-cv-924-JSS

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Defendant Acting Commissioner of Social Security (Commissioner) moves, pursuant to sentence four of 42 U.S.C. § 405(g), for this action to be reversed and remanded to the Commissioner “for further administrative proceedings, including additional consideration of the evidence, offering Plaintiff the opportunity for a new hearing, obtaining supplemental vocational expert testimony if necessary, and issuing a new decision.” (Motion, Dkt. 13.) Plaintiff does not object to the Motion. (*Id.*)

Pursuant to sentence four of 42 U.S.C. § 405(g), the court has the “power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). When a case is remanded under sentence four of § 405(g), the district court’s jurisdiction over the case is terminated. *Jackson v. Chater*, 99 F.3d 1086, 1095 (11th Cir. 1996); *Sullivan v.*

*Finkelstein*, 496 U.S. 617, 625 (1990) (finding that a district court’s order remanding under sentence four of § 405(g) “terminated the civil action challenging the Secretary’s final determination that respondent was not entitled to benefits”). “Immediate entry of judgment (as opposed to entry of judgment after postremand agency proceedings have been completed and their results filed with the court) is in fact the principal feature that distinguishes a sentence-four remand from a sentence-six remand.” *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

A remand under sentence four of § 405(g) “is based upon a determination that the Commissioner erred in some respect in reaching the decision to deny benefits.” *Jackson*, 99 F.3d at 1095. Here, the Commissioner concedes error by requesting a reversal of the Commissioner’s decision.

Accordingly:

1. The Commissioner’s Unopposed Motion for Entry of Judgment with Remand (Dkt. 13) is **GRANTED**.
2. The Commissioner’s decision denying Plaintiff’s application for Social Security benefits is **REVERSED**.
3. The case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Motion (Dkt. 13) and herein.

4. The Clerk of Court is directed to enter judgment in Plaintiff's favor, terminate all other pending motions, and close this case.

**ORDERED** in Tampa, Florida, on June 30, 2023.

  
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JULIE S. SNEED  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record